

### **REMARKS/ARGUMENTS**

Claims 1-7 and 31-34 are pending. Claims 8-30 and 35-38 are withdrawn. Claims 1, 5, and 31 have been amended. Claims 2, 3, 32, and 33 have been canceled.

In response to the Office Action mailed December 19, 2005, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. **Claim Rejections under 35 U.S.C. § 112**

The Examiner rejected claims 5-7 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention.

Claim 5 has been amended to clarify the claimed subject matter thereby traversing the rejection. Accordingly, the Applicants submit that the § 112 rejections to claims 6-7, which depend from claim 5, have also been overcome.

2. **Claim Rejection 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Slepian et al (Noiseless coding of Correlated Information Sources, IEEE Transaction on Information Theory, Vol. IT-19 No. 4, July 1973) in view of Yan et al. (On Instantaneous Codes for Zero Error Coding of Two Correlated Sources, IEEE 0-7803-5857-0/00). Applicant respectfully disagrees.

Applicant contends that the amended independent claims 1 and 31 are patentably distinct from Slepian in that there is at least one claimed element missing from the teaching, suggestion, or description of Slepian. In the instant case, Slepian fails to teach, describe, or suggest the element of optimal lossless encoding and decoding of the claimed invention. In fact, Slepian teaches away from this element. Although the Examiner cites the introduction of Slepian as supporting lossless encoding and decoding, it can be seen from a reading of Slepian that this is an objective but not an accomplishment of Slepian. In fact, Slepian refers a number of times to the fact that its algorithm is only capable of achieving small decoding errors, which is distinct

from zero coding errors, or lossless encoding. For example, Slepian states in the right hand column, page 472, lines 14-16 “Stated in less formal terms, the theorem asserts that...one can achieve arbitrarily small decoding error probability with block codes transmitting at a rate  $R=...$ ”

In the right hand column of page 474 in the last two paragraphs Slepian states “By Theorem 1, we know that  $R_y$  is large enough to allow nearly error-free transmissions of  $Y$  sequences.” along with “...decoded with little error probability when the output  $Y$  is seen.” and “...each enjoying the same small probability of error.”

In the right hand column of page 476, about mid page, Slepian summarizes the lack of lossless encoding by stating “Thus, for any fixed  $[\sigma]$ ,  $Z$  approaches zero as  $n$  becomes large. We can therefore choose  $n$  sufficiently large to make  $Z < [\sigma]$ ...” It is clear that  $n$  would need to be infinite in order to achieve zero error. Infinite numbers are not possible in real-world implementations, so the system of Slepian does not teach, describe, or suggest, lossless encoding.

3.     3.     Claim Rejection 35 U.S.C. § 103(a)

The Examiner has rejected claims 4 and 34 under 35 U.S.C. § 103(a) as being anticipated by Slepian et al (Noiseless coding of Correlated Information Sources, IEEE Transaction on Information Theory, Vol. IT-19 No. 4, July 1973) in view of Yan et al. (On Instantaneous Codes for Zero Error Coding of Two Correlated Sources, IEEE 0-7803-5857-0/00). Applicant respectfully disagrees. Claims 4 and 34, being dependent on allowable base claims, are themselves allowable.

**CONCLUSION**

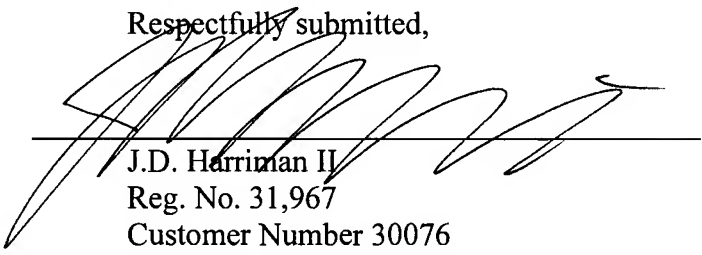
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1, 5-7, 31, and 34 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

A Petition for Extension of Time is filed with this paper. No additional fee is believed due with the submission of this paper. However, if the Applicant is mistaken, the Commissioner is hereby authorized to charge any required fees from Deposit Account No. 502811.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8300. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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